

Court of Appeals, State of Michigan

ORDER

Fred Bobo v Wolverine Dachshund Club

Docket No. 285491

LC No. 08-000326-CZ

Kathleen Jansen
Presiding Judge

E. Thomas Fitzgerald

Deborah A. Servitto
Judges

The Court orders that the motion for immediate consideration is GRANTED.

In lieu of granting the application for leave to appeal, this Court orders pursuant to MCR 7.205(D)(2) that the May 19, 2008 order for preliminary injunction is VACATED because plaintiffs failed to establish their burden of demonstrating entitlement to such relief. MCR 3.310(A)(4); *Pharmaceutical Research & Manufacturers of Am v Dep't of Community Health*, 254 Mich App 397, 402-403; 657 NW2d 162 (2002). In particular, we find that the trial court failed to properly consider whether plaintiffs satisfied each of the four factors that must be met to justify issuance of a preliminary injunction. *Id.*

We have not addressed whether plaintiffs had standing to bring the instant action. On remand, the trial court should address this issue.

This matter is REMANDED for proceedings not inconsistent with this order.

This Court retains no further jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 29 2008

Date

Sandra Schultz Mengel
Chief Clerk